

**From:** David Frost  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

The short version of my opinion is as follows.....

Based on the collective readings that I have done on the subject, the proposed settlement sounds like Charles Manson getting to pick his own punishment. Microsoft has so little respect for the law that during the original trial it presented obviously falsified evidence, claimed no knowledge on subjects very near and dear to their business, and made ludicrous claims of technical impossibilities.

The proposed settlement in its current form has so many loopholes that there will be no way to enforce it. Where will we be if claims of manipulation are made against Microsoft months or years later? We'll be forced to pay for another multi-year trial, after which MS will be found guilty, and just like the consent decree and this procedure, we will end up doing so little that it really won't matter.

I say we make the restrictions and monitoring procedures fit the violations proven. Also, it would be wise to not limit such penalties to specific titles, as this makes it too easy to get around the law by creating new titles that are somewhat different in functionality (hence a new 'type' of software), that is not covered in the anti-trust ruling.

If this settlement is accepted, the people who have been wronged will continue to be wronged...just in a slightly different way.

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David Frost